

### **Remarks**

Applicants appreciate the thorough examination of the present application as shown in the Office Action of August 24, 2005. Applicants respectfully submit that the pending claims are patentable over the cited references for at least the reasons discussed herein. Accordingly, Applicants respectfully submit that the pending claims are in condition for allowance, which is respectfully requested in due course.

### **The Section 102 Rejection**

Claims 1-4, 8, 18-20, 22-26 and 28-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 6,456,706 to Blood et. al (hereinafter "Blood"). *See* Office Action, page 2. Under 35 U.S.C. § 102, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). A finding of anticipation further requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. *See Scripps Clinic & Research Foundation v. Genentech Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). In particular, the Court of Appeals for the Federal Circuit held that a finding of anticipation requires absolute identity for each and every element set forth in the claimed invention. *See Trintec Indus. Inc. v. Top-U.S.A. Corp.*, 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002). Thus, the Office Action states that Blood identically teaches each and every element of the rejected claims. Applicants respectfully disagree.

For example, with reference to independent Claims 1, 22 and 30, the Office Action asserts, among other things, that Blood discloses a system, method and computer program product for "controlling usage of a mobile terminal." Office Action, p. 2. Applicants respectfully disagree. In fact, in an online search of the text version of Blood maintained at the USPTO website, no reference to "mobile," "cellular" or "wireless" was found. Similarly, Applicants' undersigned representative found no discussion of mobile terminals or control thereof in reviewing Blood. In addition, the independent claims have been amended as discussed below and these added recitations are also not disclosed by Blood. Accordingly, the

Section 102 rejections of Claims 1-4, 8, 18-20, 22-26 and 28-30 should be withdrawn at least for these reasons.

### **The Section 103 Rejections**

Claims 1-3, 9-13, 15, 16 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Application Publication No. 2003/0220093 to Fellenstein et al. (hereinafter "Fellenstein") in view of Blood. Office Action, p. 7. Claims 5-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fellenstein in view of Blood and further in view of United States Patent No.5,148,159 to Clark et al. (hereinafter "Clark"). Office Action, p. 12. Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fellenstein in view of Blood and further in view of United States Patent No.6,571,256 to Dorian et al. (hereinafter "Dorian"). Office Action, p. 13. Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fellenstein in view of Blood and further in view of United States Patent No.6,920,326 to Agarawal et al. (hereinafter "Agarawal"). Office Action, p. 13. Claim 27 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Blood in view of Clark. Office Action, p. 14. Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by the cited references.

Claim 1 has been amended above to recite that the method includes one or more of the following:

- A) receiving a usage specification restricting access to enabled services of the mobile terminal including internet access services, multimedia messaging access services, email services, camera and/or video functions;
- B) receiving the authorization code wherein the authorization code is encoded to restrict viewing of the authorization code by a user of the mobile terminal; and/or
- C) receiving a reset code as the authorization code and over-riding the usage specification responsive to receipt of the reset code.

Similar recitations have been added to independent system Claim 22 and independent computer program product Claim 30. The recitations of Item A are supported, for example, by the specification at page 8, lines 31-32. In addition, recitations related to internet access services were found in Claim 14 as originally filed. The recitations of Item B generally correspond to recitations found in originally filed Claim 4. The recitations of Item C generally correspond to

recitations found in originally filed Claim 5. Accordingly, the patentability of the independent claims will be addressed with reference to the rejections of the independent claims and these dependent claims in the Office Action.

With respect to Item A, the Office Action acknowledges that restricting internet access services is not disclosed by Fellensten or Blood. However, the Office Action asserts that Dorian "includes a restriction on Internet access services of the mobile terminal (col. 1 lines 6-59, and col. 2 line 35-col. 3 line 40)." Office Action, p. 13. As an initial matter, Applicants note that Dorian, like Blood, appears to include no discussion whatsoever of mobile terminals. Instead, Dorian is directed to controlling what URLs may be accessed by a user of a computer, for example, to allow a parent to control access to pornography or the like by a child. Dorian, Abstract.

Furthermore, as is clear from the description of Dorian, Dorian does not suggest denying access to an Internet browser, just limiting what content is retrieved by the browser. In other words, Dorian does not suggest limiting "access to" internet services of the computer, it suggests limiting the content retrieved by a user who has already been allowed access. Thus, even if Dorian could be properly combined with Fellenstein and Blood, the combination would not result in restricting "access to" internet access services of a mobile terminal as recited in Item A. In addition, the rejection has not established a proper motivation to combine the content control teachings of Dorian with the phone service access control teachings of Fellenstein or Blood. Thus, the references do not disclose the recitations of Item A nor can they be properly combined in the manner relied on in the rejection as applied to Item 1 for at least these reasons.

With respect to Item B, the Office Action asserts, in an anticipation rejection, that the recitations of Claim 4 are disclosed by Blood at col. 4, lines 37-42. Office Action, p. 3. As an initial matter, as noted above, Blood doesn't even mention a mobile terminal. Furthermore, the cited portion of Blood reads as follows:

The calling party is prompted in the greeting to enter a 4 digit identification code. As the caller enters his or her identification code the identification code is decoded by DTMF DECODER (104) and sent to CPU (100). CPU (100) then compares the identification code entered by the caller to those found in Non-Volatile Memory (111).

Blood, Col. 4, lines 37-42. Applicants respectfully submit that nothing in the above excerpt discusses encoding to prevent viewing by a user of the mobile terminal. In fact, the decoding of

the code appears to be nothing more than a conversion from a tone to a data value as "DTMF" is simply a well known reference to a touch-tone telephone and a DTMF decoder is simply a converter for receiving such tones. Accordingly, the recitations of Item B are also not disclosed or suggested by the cited references alone or in combination for at least these reasons.

With respect to Item C, the Office Action acknowledges that the reset code and over-riding the usage specification are not disclosed by Fellenstein or Blood. However, the Office Action asserts that Clark teaches these recitations at Column 10, line 56 to Column 11, line 21 and that the motivation would be "for the purpose of resetting the code in case a user forgets his identification code." Office Action, p. 12. Applicants would agree that Clark appears to suggest resetting an identification code for a remote control system. However, even were there to be any basis to combine the remote control security code disclosure of Clark with Fellenstein and Blood, which there is not, the result of such a combination would neither disclose nor suggest Item C of Claim 1. Instead, such a combination would, at most, propose a reset code that could be entered as an authorization code to reset the value of the authorization code. In contrast, Item C recites a reset code that over-rides the **usage specification**. Accordingly, the recitations of Item C are also not disclosed or suggested by the cited references alone or in combination for at least these reasons.

Thus, the cited references do not disclose or suggest any of Items A, B or C. Accordingly, independent Claim 1 is patentable for at least these reasons. Independent Claims 22 and 30 are patentable for substantially similar reasons based on the corresponding recitations found therein.

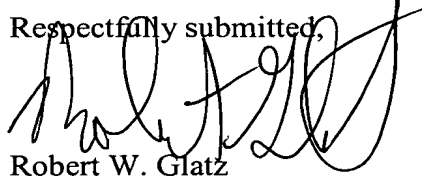
The dependent claims are patentable at least based on their dependence from one of the independent claims discussed above. In addition, various of the dependent claims are separately patentable. For example, while the independent claims recite any one or more of Items A, B or C, various of the dependent claims recite a specific one of these items. Claims 31 and 32 correspond to Item A and Claim 14 recites specifically internet access services. Claims 4 and 26 correspond to Item B. Claims 5 and 27 correspond to Item C. Thus, for these claims, even if one of Items A, B or C were disclosed by the art, the claims corresponding to the other items would be separately patentable.

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Serial No.: 10/736,079  
Filed: December 15, 2003  
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**Conclusion**

In view of the above, Applicants submit that the pending claims are in condition for allowance and respectfully request allowance of the present application. If further informalities are noted, the Examiner is encouraged to contact the undersigned by telephone to expedite allowance of the present application.

Respectfully submitted,

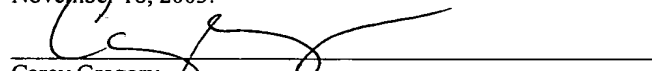


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Carey Gregory  
Date of Signature: November 18, 2005

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